

## **Remarks**

The present Response is to the Office Action mailed on June 12, 2008. Claims 1-15 are presented for examination.

### **Merit rejection under 35 U.S.C. 103(a)**

3. Claims 1, 3, 5, 7, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over David E. McDysan (US 2003/0112755) in view of Tung et al (US 5,434,913) and Keck et al (US 2004/0228414).

#### **The Examiner argues**

4. As for Claim 1, McDysan discloses an edge router (Paragraph 0021) operating Border Gateway Protocol (BGP, Paragraph 0043) in a packet network (Paragraph 0006 discloses transmitting and receiving packets) comprising:

a processor resource for processing (Paragraph 0008 discloses a processor component within each router to handle extensive processing required) events (Paragraph 0006 discloses packets);

at least one scheduler managing all events (paragraph 0035 discloses employing a scheduler to multiplex and forward packets) for processing by the processor resource (Paragraph 0008 discloses a processor component within each router to handle extensive processing required); and

#### **Applicant's response**

Applicant points out that McDysan paragraph 0008 teaches in the background portion of the invention, a processor in each node specifically for handling extensive RSVP signaling. This is alluded to in McDysan as a problem to be solved.

Applicant argues that the scheduler of McDysan does not manage all events for processing by the processor, as claimed. This Examiner continually separates word

phrases in applicant's claim limitations in order to separate terms from their meanings in a reaching attempt to apply art to said limitations. Applicant does not believe this is reasonable procedure. When the Examiner re-formats applicant's limitations to his liking he removes the core English meaning of applicant's limitation as presented in the claim. Applicant, again, respectfully requests the Examiner examine applicant's limitations as they are presented in context and meaning as one with ordinary skill in the art would interpret.

### **The Examiner continues with McDysan teaching**

individual event pipelines dedicated to individual ones of BGP peers (paragraph 0047 discloses tunnels being used between routers on a WN using BGP, which an individual with ordinary skill in the art would recognize as peers); wherein events received for processing (paragraph 0048 discloses packets received); to the source of the events (Paragraph 0036 discloses source address and source port; an individual with ordinary skill in the art would acknowledge source address and port as forms of the source of packets); to be processed (Paragraph 0008 discloses a processor component within each router to handle extensive processing required); and the scheduler paragraph 0035 discloses employing a scheduler to multiplex and forward packets); to the processor resource (Paragraph 0008 discloses a processor component within each router to handle extensive processing required) with preset limitation per pipeline paragraph 0035 discloses running on a Time Division Multiplexed channel; an individual with ordinary skill in the art would recognize Time Division Multiplex, TDM, as a preset limitation per pipeline).

### **Applicant argues**

The Examiner states McDysan teaches, "wherein events received for processing (paragraph 0048 discloses packets received);" and "to the source of the events (Paragraph 0036 discloses source address and source port; an individual with ordinary skill in the art would acknowledge source address and port as forms of the source of packets);" and "to

be processed (Paragraph 0008 discloses a processor component within each router to handle extensive processing required);” etc. Applicant, nor one with skill in the art can discern what these piecemeal portions of applicant’s claim limitations mean, as they have no meaning or relation to the claim when removed from context in this fashion. The portion of applicant’s claim the Examiner is attempting to examine recites:

*wherein events received for processing are posted in their associated event pipelines according to the source of the events, pipelines having events to be processed insert a flag in the ready list, and the scheduler repetitively scans the ready list sequentially, and releases events to the processor resource with preset limitation per pipeline.*

The Examiner has failed to show in the art where an edge router operating Border Gateway Protocol receives events for processing in a data packet network and posts them in their associated pipelines according to the source of the events. The Examiner is ignoring the sentence structure association between objects of the sentence as presented in applicant’s claim limitation when examining said claim. The phrase “according to” is a preposition of the sentence and may not be removed by the Examiner when examining the claim. Further the preposition “according to” links the subject of the sentence “wherein events received for processing” and the verb phrase “are posted in their associated event pipelines” with the object to the preposition “the source of the events”. This is viewed by applicant as intentional manipulation of applicant’s claim language to purposefully change the meaning of the claim in order to apply art that would not otherwise apply. Applicant respectfully requests the Examiner leave applicant’s sentence structure and clear meaning of said sentence intact when examining applicant’s claims.

As previously argued, the processor mentioned in McDysan is in a system mentioned in the Background portion of the invention and is not the system taught in McDysan. The scheduler in the McDysan teaching is not capable of performing the functions as claimed in applicant’s invention. The McDysan scheduler is provided

specifically to multiplex packets from logical ports 64 onto the transmission medium and vice versa. There is no processing step taught or suggested between the scheduler and the transmission of packets onto the transmission medium.

**The Examiner continues**

5. McDysan does not expressly disclose at least one ready list; are posted in their associated event pipelines according; pipelines having events; insert a flag in the ready list; repetitively scans the ready list sequentially, and releases events.

**Applicant's response**

Applicant argues that one with skill in the art would not be capable of separating the apparatus and functions of applicant's claim limitations in the same manner the Examiner has done, find the meaningless parts in different pieces of art and combine them to achieve applicant's claimed invention. Further applicant is having an extremely difficult time reasonably following and understanding how the Examiner is applying the art because the word associations in the claim limitations are removed by the Examiner. Applicant also argues that the claim clearly reads that the pipelines insert the flags and the scheduler scans the ready list sequentially.

**The Examiner continues**

6. Tung discloses in the same field of endeavor at least one ready list (Column 56, Lines 8- 20 disclose a ready list); in the ready list (Column 55, Line 64 -Column 56, Line 7 discloses setting a flag in conjunction to the ready list); repetitively scans the ready list sequentially (Column 55, Line 64 -Column 56, Line 7 discloses information constantly added and removed from the list; an individual with ordinary skill in the art would recognize that the ready list would be repetitively scanned and sequentially because algorithms need to know what needs to get done next), and releases events (Column 55, Line 64 -Column 56, Line 7 discloses the frame is moved).

7. Tung discloses this difference for the purpose of providing real-time communication between PC systems in non-real-time environments (Column 1, Lines 20-24).

**Applicant's response**

Applicant will first point out that Tung **is not** in the same field of endeavor as applicant's claimed invention. Tung teaches a system for processing audio signals, internally, within a single processor, not operating directly in a packet data network, as claimed. Applicant points out that the portion of Tung relied upon by the Examiner is a teaching for an internal operation of an audio mixer and is not relevant to the same art applicant's claimed invention relates to, which is an edge router in a packet data network.

**The Examiner continues**

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the edge router disclosed by McDysan and add to it the feature as disclosed above by Tung to create an edge router operating Border Gateway Protocol in a packet network providing real-time communication between PC systems in non-real-time environments.

**Applicant's response**

Applicant argues that one with skill in the art in network routing would not look to a teaching of internal audio mixing. Therefore, the reasoning to make the combination fails.

**The Examiner continues**

9. McDysan in view of Tung disclose are posted in their associated event pipelines according; pipelines having events; and insert a flag.

10. Keck discloses in the same field of endeavor are posted in their associated event pipelines according (paragraph 0043 discloses a pipeline having buffer blocks;

Paragraph 0068 discloses posting packets to buffers according to a condition); pipelines having events (paragraph 0037 discloses buffers storing sets of posted information); and insert a flag (Paragraph 0071 discloses setting a flag).

11. Keck discloses this difference for the purpose of posting status data for a transport stream (Paragraph 0001).

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the combined edge router of McDysan and Tung and add to it the feature as disclosed above by Keck to create an edge router operating Border Gateway Protocol in a packet network posting status data for a transport stream.

### **Applicant argues**

Keck is a teaching for internally processing audio/video on a set top box incoming to the box and out to the TV, and is not analogous to applicant's invention. Also, all of the arguments apply given above regarding examining applicant's claim language out of context.

Applicant's specification and claims teach and recite that a ready list is used in the invention to initiate the sending of packets through their respective pipelines. The ready list includes flags inserted by pipelines, the flags indicating that there is data to be sent in the respective pipeline. The flags in applicant's ready list are to initiate the sending of packets per pipeline. The Examiner has failed to show said limitations in the art.

Applicant believes claim 1 is clearly patentable over the art presented by the Examiner. Claims 2-5 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant points out that claim 6 is not rejected by the Examiner in the present Office Action, although there is reasoning provided by the Examiner for a 103 rejection. For the sake of the present Response applicant must assume the claim was rejected under 35 U.S.C. 103(a) as being unpatentable over David E. McDysan (US 2003101 12755) in view of Tung et al (US 5,434,913) and Keck et al (US 200410228414).

The Examiner rejects independent claims 6 and 11 using the same art and rationale applicant successfully argued above, on behalf of claim 1. Therefore, claims 6 and 11 are also patentable over the art presented by the Examiner. Claims 7-10 and 12-15 are patentable based upon their own limitations or at least as depended upon a patentable claim.

### **Summary**

As all of the claims have been shown to be patentable over the available art and the Examiner's specific rejections, applicant herein requests reconsideration and the case be quickly passed to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully submitted,  
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